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*Jeffrey M. Nelson*  
*Chief Counsel & Director of Legal Services*

November 30, 2017

**VIA ELECTRONIC FILING**

Jocelyn G. Boyd, Esquire  
Chief Clerk & Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
Columbia, South Carolina 29210

Re: William A. Byrd, Sr., Complainant/Petitioner v. The City of Columbia,  
Defendant/Respondent  
**Docket No. 2017-348-W**

Dear Ms. Boyd:

Please accept this letter as notification that the South Carolina Office of Regulatory Staff ("ORS") has chosen to opt out as a participant in the above referenced docket under the provisions of S.C. Code Ann. §§58-4-50(A)(4) and (10) (2015). ORS is of the opinion that it does not have jurisdiction over the issues raised in Mr. Byrd's complaint as it concerns matters related to a municipal water system.

By way of background, on November 13, 2017, Mr. Byrd submitted an online complaint form to the Public Service Commission ("PSC") addressing his concerns related to the rates charged by the City of Columbia municipal water system. On November 14, 2017, the PSC forwarded the complaint via email to ORS for informal resolution. After reviewing the complaint, ORS sent Mr. Byrd the attached response via email. The response included the following statements:

*South Carolina law prohibits the ORS and the PSC from regulating or interfering with utilities owned or operated by or on behalf of any municipality. S.C. Code Ann. Section 58-5-30 (2015) provides as follows:*

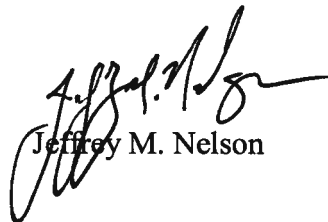
*Except as provided in Article 23, Chapter 9 of Title 58, nothing contained in Articles 1, 3, and 5 of this chapter shall give the commission or the regulatory staff any power to regulate or interfere with public utilities owned or operated by or on behalf of any municipality or regional transportation authority as defined in Chapter 25 of this title or their agencies.*

*This prohibition of the ORS and the PSC regulating a water utility owned or operated by or for a municipality extends to investigating a consumer complaint. Therefore, the ORS is not allowed to investigate your complaint concerning the City of Columbia water utility.*

The statutory prohibition on the PSC's ability to interfere with or enjoin a utility owned or operated by a municipality has additionally been upheld by the South Carolina Supreme Court in Glendale Water Corp. of Florence, Inc. v. City of Florence, 265 S.E.2d 41 (S.C. 1980).

If you have any questions, please do not hesitate to contact me in regards to this matter.

Sincerely,



Jeffrey M. Nelson

cc: Erika D. Moore, City Clerk (via E-Mail and U.S. Mail)  
Teresa Wilson, City Manager (via E-Mail and U.S. Mail)  
William A. Byrd, Sr. (via E-mail and U.S. Mail)  
Joseph Melchers, Esquire (via E-Mail)